

REMARKS

The following remarks are being submitted as a full and complete response to the Office Action dated September 26, 2007. In view of the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

As outlined above, claims 1 and 4-6 stand for consideration in this application, wherein claim 1 is being amended to more particularly point out and distinctly claim the subject invention. Claims 7-22 stand withdrawn from consideration in this application.

Prior Art Rejections

The Examiner rejected claims 1 and 5-6 under 35 U.S.C. §102(b) on the grounds of being anticipated by the Japanese patent reference to Tetsuya Doi et al. (JP 2000-347217). Further, the Examiner rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over Tetsuya '217 in view of Liu et al. (US Patent No. 5,518,956). Applicants have reviewed the above rejections, and respectfully traverse for the reasons set forth below.

The present invention as recited in claim 1 is directed to a display device forming a display region where a plurality of films including an insulation film, a semiconductor film and a conductive film are patterned in a given pattern and stacked on a substrate, wherein at a point of time that at least one correction portion out of a correction portion which separates a short-circuit defect, a correction portion which connects an opening defect, a correction portion which removes a standard deviation defect, and a correction portion which separates a standard deviation defect of the pattern is corrected, at least one upper-layer film is formed above a film to be corrected at the correction portion and the correction is applied to the film to be corrected while the upper-layer film remains. The correction of the correction portion is performed by the irradiation of a laser beam through the at least one upper-layer film from a side of the at least one upper-layer film opposite the substrate and not through a substrate.

The features of present invention as recited in claim 1 include a display device in which, even when a protective film, an insulation film or the like is present above a film containing a defect to be corrected, defects in the display can be eliminated by correcting only the defect of the lower-layer film containing the defect without removing the upper-layer film.

In the Office Action, the Examiner pointed out “A upper layer (5) is presented above the film to be corrected ((13), [0032]) at the correction portion...” (see page 2, Office Action). However, Tetsuya ‘217 merely discloses the correction being made is being accomplished by removing the portion 13, which is in fact removing a portion of the picture element electrode 5 itself (see paragraph [0032], Figure 4). In other words, the removed portion 13 is a portion of the picture element electrode 5, which together correspond at best to the film having the defect to be corrected of the present invention. Tetsuya ‘217 fails to disclose or suggest any structure or operation wherein an upper-layer film above the film to be corrected at a point of time that at least one correction portion out of a correction portion which separates a short-circuit defect, a correction portion which connects an opening defect, a correction portion which removes a standard deviation defect, and a correction portion which separates a standard deviation defect of the pattern is corrected, and at least one upper-layer film is formed above a film to be corrected at the correction portion and the correction is applied to the film to be corrected while the upper-layer film remains, as in the present invention recited in claim 1.

Applicants will contend that Tetsuya ‘217 in actuality teaches away from the present invention as claimed. Applicants will contend that it is well established that a prior art reference must be evaluated in its entirety, and it is improper to selectively pick and choose teachings out of a reference in order to support a prior art rejection. See *Panduit Corp. v. Dennison Mfg. Co.*, 227 USPQ 337, 344 (Fed. Cir. 1985). See *Para-Ordinance Mfg, Inc. v. SGS Importers Intl., Inc.*, 73 F.3d 1085, 37 USPQ2d 1237 (Fed. Cir. 1995). It is also well established that a prior art rejection based on a principle that contradicts the structure and operation of the cited reference is also improper. In other words, since Tetsuya ‘217 discloses irradiating and removing the picture element electrode 5 in order to make a correction for a pinhole defect 12 in the insulation film 7 beneath the picture element electrode 5, it clearly contradicts the present invention wherein, among other features, correction of the correction portion is performed by the irradiation of a laser beam through the at least one upper layer film from a side of the at least one upper layer film opposite the substrate and not through a substrate. Thus, the present invention as recited in claim 1 is distinguishable and thereby allowable over Tetsuya ‘217.

As to dependent claims 5-6, the arguments set forth above with respect to independent claim 1 are equally applicable here. In other words, since Tetsuya ‘217 fails to disclose or suggest each and every feature recited in the independent claim 1, this same reference cannot be cited for showing all the features recited in the independent claim along with the

additional elements recited in the dependent claims. The corresponding independent claim being allowable, dependent claims 5-6 must also be allowable.

With respect to claim 4, the secondary reference of Liu '956 was merely cited for showing a feature recited in a dependent claim. As set forth above, Tetsuya '217 by itself fails to show all the elements recited in claim 1. Though Liu '956 shows radiating a laser beam via no substrate, Liu '956 states that a portion of the energy in the laser beam of ultraviolet light is absorbed in the ITO of common electrode layer 116, and substantially all of the remaining portion of the beam's energy is readily absorbed in the polyimide of dielectric layer 114, and that the absorption of the light by the ITO and the underlying polyimide results in the ablation of the illuminated surfaces (col. 4, lines 38-44). In other words, Liu '956 shows that while the defect 118 is ablated, upper layer film of a defect 118 is also ablated. This feature is completely different from the feature recited in claim 1, namely, that the correction is applied to the film to be corrected the upper-layer film while the upper-layer remains.

Furthermore, there is no suggestion or motivation in either Tetsuya '217 or Liu '956 to combine their features explicitly or implicitly to embody all the features of the present invention as recited in either claim 1 or claim 4. Accordingly, claim 4 is not obvious in view of all the prior art recited.

Conclusion

In view of all the above, Applicants respectfully submit that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Office Action rely. These differences are more than sufficient that the present invention as now claimed would not have been anticipated nor rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

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